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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 KRIEGER, LTD. SRL,)
12 Plaintiff,) No. C08-4706 BZ
13 v.)
14 DESIGN WITHIN REACH, INC.,) REVISED ORDER SCHEDULING
15) JURY TRIAL AND PRETRIAL
16 Defendant.) MATTERS
_____)

17 Having read Design Within Reach, Inc.'s motion for
18 administrative relief regarding the case schedule in this
19 action and Krieger's opposition, **IT IS HEREBY ORDERED** that the
20 previous Order Scheduling Jury Trial And Pretrial Matters is
21 modified as follows:

22 Trial Date: **Tuesday, February 16, 2010, 7 days**
23 Pretrial Conference: **Tuesday, 01/26/2010, 4:00 p.m.**
24 Last Day to Hear Dispositive Motions: **Wednesday, 12/16/2009**
25 Last Day for Expert Discovery: **Friday, 11/06/2009**
26 Last Day for Rebuttal Expert Disclosure: **Friday, 10/30/2009**
27 Last Day for Expert Disclosure: **Friday, 10/23/2009**
28 Close of Non-expert Discovery: **Friday, 10/16/2009**

The Court is troubled by a number of issues presented by the papers. First, planning to take a substantial amount of discovery shortly before the discovery cutoff is a recipe for disaster. Second, if scheduling issues arise and the parties cannot resolve them, the remedy is to request a telephone conference with the Court pursuant to paragraph 2 of the Pretrial Scheduling Order, not to seek a trial continuance or request a case management conference.

IT IS THEREFORE ORDERED that counsel for the parties shall meet and confer by **September 4, 2009** and develop a schedule for completing discovery within the new discovery cutoffs.

Dated: August 28, 2009


Bernard Zimmerman
United States Magistrate Judge

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